

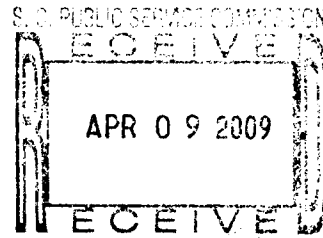
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CBA

April 1, 2009

Public Service Commission  
Chief Clerk/Administrator  
Post Office Drawer 11649  
Columbia, SC 29211

2009-162-E



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SVT-015  
4-13-09  
530

**RE: Case # 2008-E-3379**

unlawful practices of SCE&G not resolved by PSC consumer Services  
Representative Hannah Majewski

Dear Office of Regulatory staff/public Service commission,

**COMPLAINT 1:**

On or about 11-25-08 I inquired about the deposit on an apartment @ 202 Royal Palms Blvd Apt. 203, Charleston, S.C. at which time SCE&G informed me that the deposit was \$610. Upon questioning why the deposit was so high, I was informed that my last account with them in August 2005 was closed for nonpayment and sent to collections, so they was basing my deposit on the highest two months of usage of the prior tenant at that dwelling.

I informed the representative that I was in prison from September 2005 until November 16, 2005 and could prove it, thus the reason why my account was closed for non payment. I also informed her that the old bill in question has been paid since September 2006. Subsequently, I asked the representative to use my credit as the basis for determining my deposit (because I've since established good credit since my incarceration), but I was denied that request; stating that credit shall only be used in establishing service for new customers, not former customers.

Eventually, I requested to have the \$610 deposit broken down into 2 equal payments, one up-front and the other in 2 weeks, which was also denied.

Due to the fact that I was unable to pay the \$610 deposit and SCE&G unwillingness to work with me, I was forced to take a smaller 1 bedroom apartment instead of the needed 3 bedroom. As a result, my children were not able to live with me again although they were living from house to house at the time.

**SCE&G claims- as to deposits:**

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1. SCE&G representative as well as ORS (office of regulatory staff) Representative Hannah Majewski maintains that according to 103.331(A)(1) and 103.332(A) SCE&G is authorized to charge any customer a deposit and base that maximum deposit upon the two highest month of usage of the prior customer at that dwelling (exhibit 1-letter from ORS). Later, SCE&G supervisor Venita would further maintain that SCE&G can "look back" at a former customer's payment history for 6 (six) years if that customer had a charged off collection with them within the last 6 years, even if such collection account was paid more than 2 years ago.
2. Supervisor Venita also maintains that a former customer re-applying for service cannot ever use his/her credit as a basis for lowering his/her deposit if the former customer had a paid or unpaid collection account with them within the last 6 years and that SCE&G is not required to set up payment plans for such former customers. I respectfully disagree with their claims for the following reasons!

### **MY Claim as to deposits:**

I maintain that PSC regulations 103.331(A)(1) does not allow SCE&G to "look back" beyond 24 months when determining a customer's deposit even if a former customer has had service terminated for nonpayment. No where in the regulations is SCE&G permitted to look beyond 24 months when assessing deposits

I further maintain that the "look back period" is reduced to 12 months when SCE&G intends to charge a customer the maximum based on the prior tenant's usage under 103.332(A).

In addition, I maintain that the law does not distinguish between former and new customer as SCE&G maintains when assessing deposits but every customer, former or new, is to be treated equally when SCE&G initially assess a deposit.

### **COMPLAINT 2:**

In September of 2006 SCE&G decided to report my collection account to 2 major credit bureau as a revolving charged off account, which has negatively impact my credit rating for over 2 years (exhibit 2 & 3-credit reports). I submit that as a practice, SCE&G does not report their customer utility payment history to the credit bureaus on a monthly basis, which could help a customer's credit rating if he or she pays on time, so they should not be allowed to report a customer's account to the credit bureau as a charged off revolving account, if such account is indeed later charged off as this is not the legislative intent of the Fair Credit Reporting Act of 1970. (Exhibit 2 & 3 - credit reports)

I further submit that SCE&G cannot use the Fair Credit Reporting Act maliciously if a customer default on their service account with them especially since they do not request credit reports from every customer attempting to establish service with them. As a

practice, they leave the right to request a credit report up to the prospective new customer and does not extent that right to former customers, as I stated before.

RELIEF,

1. A formal hearing before the commission to fully explain my complaint
2. Issuance of an order to SCE&G and ORS representatives clarifying and enforcing 103.331(A)(1) and 103.332(A)
3. Issuance of an order enjoining SCE&G from reporting utility (electric and natural gas) collection/charge off accounts as revolving credit account on their customer's credit reports per the Fair Credit Reporting Act of 1970 unless such accounts are reported on a monthly/revolving basis otherwise such charged off accounts can only be reported as collection accounts.
4. Damages to me in the amount of \$315 (three hundred fifteen) for malicious and/or gross negligent assessing my deposit at \$610 and unwillingness to set up a payment arrangement on the \$610.
5. Damages to me in the amount of \$10 (ten thousand) for violation of Fair Credit Reporting Act of 1970 and damages to my credit rating for last 2 years for their malicious and/or gross negligent reporting of my charged off SCE&G account as a revolving charged off account to the credit bureaus
6. Legal Clarification (according to specific provision of South Carolina and Federal statutory and constitutional Law) how SCE&G can operate as a monopoly over utility service in designated areas of South Carolina without violating state and federal anti-trust laws

Respectfully submitted,



Melvin Bowens  
5381 Hwy. 174  
Adams Run, SC 29426  
(843) 926-7456

C. DUKES SCOTT  
EXECUTIVE DIRECTOR

1101 Main Street, Suite 900  
Columbia, SC 29201



DAN FARNETT  
CHIEF OF STAFF

Phone: (803) 737-5230  
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December 3, 2008

APRIL B. SHARPE  
MANAGER OF CONSUMER SERVICES

Melvin Bowens  
5381 Hwy. 174  
Adams Run, SC 29426

**RE: Case No. 2008-E-3379**

Dear Mr. Bowens:

This letter is sent in regard to the complaint you filed with the Office of Regulatory Staff ("ORS") on November 25, 2008, via telephone against SCE&G ("company" or "electrical utility"). You requested a payment arrangement on the \$350 deposit charged to obtain service at 202 Royal Palm Boulevard, Apt. 203, Charleston, SC. You advised the ORS you had \$175 on November 25, 2008, and could pay the balance next month. You also questioned why the previous tenant's usage is a basis for the amount of your deposit.

According to SCE&G, their records indicate you contacted the company on November 25, 2008, and requested information for service at 316 Royal Palm Boulevard, Apt. 103, Charleston, SC and were quoted a \$350 deposit. However, SCE&G advised the ORS their records do not indicate your inquiry into a deposit amount for 202 Royal Palm Boulevard, Apt. 203, Charleston, SC.

Per our conversation on November 26, 2008, you were advised that according to SCE&G, the deposit for 202 Royal Palm Boulevard, Apt. 203, Charleston, SC is \$610.

SC Public Service Commission ("PSC") regulation 103.331(A)(1) states "Each electrical utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if ... The customer's past payment record to an electrical utility shows delinquent payment practice, i.e., customer has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four months." In addition PSC regulation 103.332(A) states "A maximum deposit may be required up to an amount equal to an estimated two months (sixty days) bill for a new customer or a maximum deposit may be required up to an amount equal to the total actual bills of the highest two consecutive months based on the experience of the preceding twelve months or portion of the year, if on a seasonal basis." According to SCE&G, the two highest bills for the previous resident at 202 Royal Palm Boulevard, Apt. 203, Charleston, SC were \$293 in July 2008 and \$322 in August 2008.

(Exhibit 1)

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Melvin Bowens  
December 3, 2008  
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You advised the ORS you wished to pursue this matter further, and you were advised that you would be provided information on filing a petition with the SC Public Service Commission if you wished to request a hearing.

If, after working with the utility and the ORS, you are unable to resolve your complaint against the utility, you may file a petition with the PSC and request a hearing before the PSC. To file a petition with the PSC, you must make your request in writing. The petition should include your name, address, the name of the utility company, a clear and concise statement of the factual situation to be addressed, and the nature of the relief sought from the Public Service Commission. The petition should be mailed to the Public Service Commission, Chief Clerk/Administrator, Post Office Drawer 11649, Columbia, South Carolina 29211. The Public Service Commission may schedule a public hearing. At the hearing, both you and the company may present testimony and evidence before the commission. After hearing the testimony, the Public Service Commission will make a decision and issue an Order ruling on the petition.

In addition, please be advised that PSC regulation 103-345 regarding complaints states as follows

A. Complaints concerning the charges, practices, facilities, or service of the electrical utility shall be investigated promptly, thoroughly, and professionally. The electrical utility shall keep such records of customer complaints to include the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof as will enable it to review and analyze its procedures and actions.

B. When the ORS has notified the electrical utility that a complaint has been received concerning a specific account, the electrical utility shall refrain from discontinuing the service of that account until the ORS's investigation is completed and the results have been received by the electrical utility. Service shall not be discontinued if the complainant requests in writing a hearing before the commission within fifteen days of the ORS mailing the results of the ORS investigation, along with a copy of regulation 103-345, to the complainant. If the complainant does not file the complaint with the commission within fifteen days, service can be discontinued.

If you have any questions, please contact me at 1-800-922-1531.

Sincerely,

  
Hannah Majewski  
Consumer Services

Cc: SCE&G Rate Administration

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